

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

Plaintiff,

v.

ANY AND ALL FUNDS ON DEPOSIT AT  
UNICREDIT AKA HYPOVEREINS (NEW  
YORK BRANCH) ACCOUNT NUMBER  
1100010868 HELD IN THE NAME OF  
ITALPREZIOSI SPA,

ANY AND ALL FUNDS ON DEPOSIT AT  
BANCA INTESA (NEW YORK BRANCH)  
ACCOUNT NUMBER 124050810001 HELD  
IN THE NAME OF ITALPREZIOSI SPA

Defendants-in-rem.

STIPULATION AND ORDER OF  
DISMISSAL WITH PREJUDICE  
REGARDING ITALPREZIOSI

12 Civ. 7530 (GBD)

WHEREAS on September 7, 2012, the United States District Court for the Southern District of New York issued a warrant (the "September 7 Warrant") for the seizure of all funds currently on deposit at Unicredit a/k/a Hypovereins (New York branch), account number 1100010868 ("Italpreziosi Account-1"), held in the name of Italpreziosi SpA ("Italpreziosi"), and all funds currently on deposit at Banca Intesa (New York branch), account number 124050810001 ("Italpreziosi Account-2"), held in the name of Italpreziosi SpA (collectively the "Italpreziosi Accounts");

WHEREAS on October 9, 2012, the United States of America filed a Verified Complaint seeking civil forfeiture of any and all funds in the Italpreziosi Accounts pursuant to Title 18, United States Code, Section 981(a)(1)(A) and Title 21, United States Code, Section 881(a)(6) (the "Complaint");

WHEREAS counsel for Italpreziosi has provided the United States with sufficient evidence that it was an innocent owner under Title 18, United States Code, Section 983(d)(3)(A), in that it was a bona fide purchaser or seller for value and did not know and reasonably was without cause to believe that the property was subject to forfeiture;

WHEREAS on January 3, 2013, this Court so ordered a Stipulation and Order Extending Time and Partially Vacating Warrant Regarding Italpreziosi (the "Stipulation") providing that the Complaint as to the funds in the Italpreziosi Accounts shall be dismissed with prejudice if the United States fails to file an amended complaint on or before January 16, 2013;

WHEREAS the United States has decided, based on the evidence provided by Italpreziosi, not to file an amended complaint against the Italpreziosi Accounts on or before January 16, 2013;

IT IS HEREBY STIPULATED THAT:

1. The Complaint as to the funds in the Italpreziosi Accounts is dismissed with prejudice;
2. The September 7 Warrant is vacated as to the Italpreziosi Accounts and the funds that were seized pursuant to that warrant shall be promptly returned to Italpreziosi;
3. This Stipulation and Order of Dismissal With Prejudice shall in no way be deemed an admission of any wrongdoing, culpability, liability, or guilt on behalf of Italpreziosi or any of its agents, officers or employees, past and present. Further, this Stipulation shall in no way constitute any reflection upon the merits of the claims and defenses asserted respectively by the United States and Italpreziosi, or upon the validity of the seizures conducted pursuant to the September 7 Warrant.

4. The parties hereby waive all rights to appeal or to otherwise challenge or contest the validity of this Stipulation.

5. Each party shall bear its own costs and attorneys' fees.

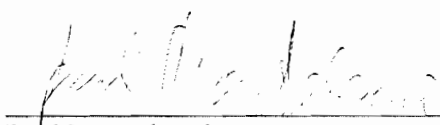
6. This Stipulation may be executed in one or more counterparts and transmitted by facsimile or electronic means, each of which counterparts will be deemed to be an original and which taken together will constitute the Stipulation.

7. This Stipulation represents the entire agreement of the parties and shall only be modified by written amendment.

For the United States:

PREET BHARARA  
United States Attorney

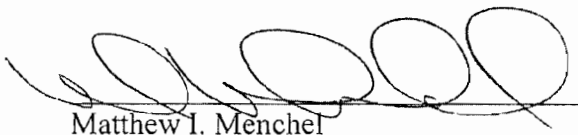
BY:

  
Paul Monteleoni  
Assistant United States Attorney  
One St. Andrew's Plaza  
New York, NY 10007  
(212) 637-2219

DATE:

1/31/13


For Italpreziosi:

  
Matthew I. Menchel  
Kobre & Kim LLP  
800 3rd Avenue  
New York, NY 10022  
(212) 488-1208

DATE:

1/31/13

SO ORDERED:

  
THE HONORABLE GEORGE B. DANIELS  
UNITED STATES DISTRICT JUDGE  
SOUTHERN DISTRICT OF NEW YORK

DATE:

**JAN 31 2013**